United States Patent and Trademark Office

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,418	04/12/2001	Sarah D. Redpath	RSW920000176US1	1623

7590 01/11/2005	EXAMINER
Gerald R. Woods	AMINI, JAVID A
IBM Corporation T81/503	
PO Box 12195	ART UNIT / PAPER NUMBER
Research Triangle Park, NC 27709	2672

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 September 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-7, 9-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-7 and 9-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in

37 CFR 1.17(e), was filed in this application after final rejection. Since this application is

eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e)

has been timely paid, the finality of the previous Office action has been withdrawn pursuant to

37 CFR 1.114. Applicant's submission filed on September 15, 2004 has been entered.

Examiner's suggestion: The claim languages are claiming the claim invention broadly.

Most of graphical applications can create different graphical objects with different display

attributes. Applicant should specify the significance of creating graphical objects. Applicant

should specify how do the graphical objects form? Is it by detecting simultaneously the detail

specifications of (for example hardware/software)?

Examiner encourages applicant to schedule an interview.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-7, 9-19 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with

the written description requirement. The claim(s) contains subject matter, which was not

described in the specification in such a way as to reasonably convey to one skilled in the relevant

art that the inventor(s), at the time the application was filed, had possession of the claimed

invention. The term "non-spatially distinguishable" in claims 1, 2 , 6, 9, 10, 11, 13, 14 and 18

was not described in the specification. Applicant should provide an explicit definition

corresponding to the invention.

The rejection under claim 1 applies for the rest of the Applicant's claims.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-19 rejected under 35 U.S.C. 102(b) as being anticipated by

Mastering Windows 3.1 special edition (hereinafter referred as a MW3).

1.   Claims 1-7 and 9-19.

MW3 on page 105 fig. 4.2 illustrates a method of displaying layered data. MW3 on the same

page selected a root directory object and displayed in a plurality of subdirectories (layers). MW3

on pages 112-113 illustrates graphical objects (icons with different attributes: size, shape,

texture, text, symbol) to identify a plurality of non-spatially distinguishable display attributes,

wherein one or more of the non-spatially distinguishable display attributes corresponds to each

of the layers. MW3 on pages 112-113 illustrates different icons, which match each of the objects

to one of the layers. MW# on page 119 in fig. 4.8 illustrates four type of layers (as file type), the

files with an extension of hlp considers a layer of help files which represented by graphical

objects (icons) with display attributes corresponding to the layer for each of the matched

objected. MW3 on page 105 in fig. 4.2 illustrates root directory, subdirectories and directory contents as for determining a layer order for the plurality of layers, wherein the layer order determines a display corresponding to the objects from the plurality of objects in the corresponding layers. MW# on page 105 in fig. 4.2 illustrates directory and subdirectories. For example: to create a directory (can be called layer) in windows environment is inherent, because a person skill in the art would have called a new directory as HARDWARE and storing all files with the same extension (.hlp). The same routine for creating a second directory can be called SOFTWARE and storing all files with the same extension (.exe). The mentioned two directories are considered as two different layers or categories with distinguishable display attributes. Above all that a SCANDISK command is inherent. A person skill in the art would have run this command to manage a hard drive. The SCANDISK command goes into error recovery trying to fix the bad clusters by reading them many times and then re-writing and testing them again and mark the bad cluster with a letter B also rearranging the sys files and directories (different layers) with different attributes display a graphical object.
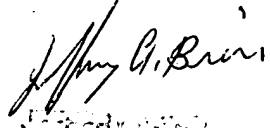
Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Javid A Amini whose telephone number is 703-605-4248. The

examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Michael Razavi can be reached on 703-305-4713. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Javid A Amini
Examiner
Art Unit 2672

Javid Amini

PRIMARY EXAMINER